

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AT CLERK'S OFFICE

2005 DEC -9 A 11:07

FIDELITY and GUARANTY
INSURANCE COMPANY,

U.S. DISTRICT COURT
DISTRICT OF MASS.

Plaintiff

v.

Civil Action No. 04-10250 EFH

STAR EQUIPMENT CORPORATION,
CHARLENE B. FORAN, JOHN J. FORAN
and TOWN OF SEEKONK,

Defendants

**MOTION FOR LEAVE TO FILE AND SERVE, LATE, OPPOSITION OF THE
DEFENDANTS STAR EQUIPMENT,
CHARLENE B. FORAN and JOHN J. FORAN
TO FIDELITY and GUARANTY INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT
(with Verification)**

The defendants Star Equipment ("Star"), Charlene B. Foran and John J. Foran (collectively, "the Forans"), hereby move this honorable court for leave to file and serve, late, their opposition to the motion of Fidelity and Guaranty Insurance Company ("F&G") for the entry of a summary judgment, together with supporting documentation.

In support of this motion, these defendants state that it was through the inadvertence and mistake of their counsel that this opposition was not timely filed. The undersigned counsel respectfully represents that he has conferred with counsel for the moving party who has indicated he does not oppose this motion, so long as the opposition is filed this week, thereby insuring that the moving party is not prejudiced by any further

delay. Moreover, as set forth in the accompanying opposition, these defendants have a meritorious opposition to the motion, a matter which should be resolved on its merits.

For all of the foregoing reasons set forth in the documents filed, these defendants respectfully request that this motion be allowed, and that their opposition be considered by the court in determining plaintiff's motion for summary judgment

Respectfully submitted,
By their attorney,

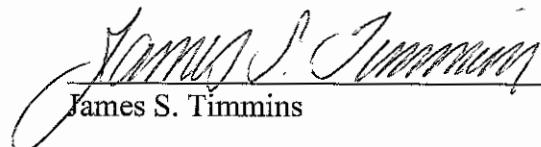

James S. Timmins BBO # 547512
55 Willard Street
Quincy MA 02169
(617) 376-0700

DATE: December 7, 2005

VERIFICATION

I, James S. Timmins, hereby certify that to the extent factual representations are made in this motion, they are true and accurate.

Executed under penalty of perjury.


James S. Timmins